

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

EUGENE ROSALES,)
Plaintiff,) Case No. _____
vs.)
LVNV FUNDING LLC, A South Carolina)
Limited Liability Company,)
Defendant.)

NOTICE OF REMOVAL

Defendant LVNV Funding LLC (“LVNV” or “Defendant”) hereby files its Notice of Removal of the above-captioned action to this Court and state as follows:

1. LVNV is named as defendant in Case No. CI 13 6478 filed in the District Court of Douglas County, Nebraska (the “State Court Action”).
2. The Complaint in the State Court Action was filed with the District Court of Douglas County, Nebraska, on or about August 8, 2013.
3. LVNV was served by certified mail on or about August 12, 2013.
4. This Notice of Removal is being filed with this Court within 30 days after Defendant was served with a copy of the Plaintiff’s Complaint setting forth the claims upon which this removal is based. Defendant has not filed any responsive pleadings concerning this case in the District Court of Douglas County, Nebraska, prior to filing this Notice of Removal.
5. By this Notice of Removal, Defendant does not waive any defense, jurisdictional or otherwise, which it may possess.
6. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Defendant in the State Court Action are attached hereto as **Exhibit 1**.

7. In his Complaint, Plaintiff alleges that Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., and the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. Complaint ¶¶ 6-10.

8. A civil action is removable if the plaintiff could have originally brought the action in federal court. See 28 U.S.C. § 1441(a).

9. This Court has original federal question jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1331.

10. Promptly after filing this Notice of Removal, Defendant will give written notice to the adverse party as required by 28 U.S.C. § 1446(d) and will file a copy of this Notice with the District Court of Douglas County, Nebraska.

DATED this 10th day of September, 2013.

LVNV FUNDING LLC, Defendant

By: s/ Joshua C. Dickinson

Joshua S. Dickinson, Bar Number 23700

Shilee T. Mullin, Bar Number 22286

Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically with the United States District Court for the District of Nebraska this 10th day of September, 2013, with notice of case activity generated and sent to Plaintiff's counsel addressed as follows:

Christopher A. Pfanstiel
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s/ Joshua C. Dickinson

Attorney for Defendant